

REMARKS

In the Office Action, claims 1-5 were rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. The Examiner states that claim 1 fails to positively recite structure necessary to carry out the functional recitations within the claims. In view of the amendments to claim 1, it is believed that the claim now recites sufficient structure to carry out the functional recitations. With respect to claim 3, the Examiner states that there is no antecedent basis for the term "the laterally rigid frame". However, claim 3 depends from claim 2, which specifically calls for a laterally rigid frame.

For the above reasons, the claims are believed to comply with the requirements of 35 USC §112, second paragraph, such that this rejection can be withdrawn.

The Office Action states that claims 1-5, 11-13 and 15-18 are rejected under 35 USC §102(b) as being anticipated by the Anderson et al reference. However, the Office Action also states that claims 6, 8-13 and 15-19 are allowed. Because of this discrepancy and in view of the fact that the Office Action contains a reason for rejection applicable only to claims 1-5, it is believed that the Examiner in fact intended to reject only claims 1-5 based on Anderson et al, and to indicate that the remaining claims, namely claims 6, 8-13 and 15-19, are allowed.

The courtesies extended by the Examiner during the phone interview of May 25, 2004 are noted with appreciation.

The Anderson et al reference has been discussed at length previously, and further discussion is believed unnecessary.

Claim 1 has been amended along the lines discussed during the phone interview, and is believed to patentably define over the Anderson et al reference. Specifically, claim 1 is amended to state that the bale-forming chamber of the round baler is defined by a series of side-by-side belts. Claim 1 also states that the movable member, which is located within the bale-forming chamber, is adapted to move in

response to outward movement of the belts caused by growth of the bale within the bale-forming chamber. In addition, claim 1 is amended to state that the first and second spaced apart rollers, which are rotatably mounted to the movable member, are arranged to engage at least a spaced apart pair of underlying belts when the bale is uniform in diameter in the locations of the rollers. Further, claim 1 is amended to state that the first and second rollers rotate at a speed of rotation above a predetermined threshold in response to movement of the underlying belts to rotate the bale within the bale-forming chamber. Claim 1 is further amended to state that the first roller is moved out of engagement with the underlying belt when the bale is not uniform in diameter in the locations of the rollers, with such movement of the first roller resulting in the first roller not rotating above the threshold speed of rotation. Claim 1 further calls for a sensor arrangement configured to sense rotation of the rollers above the threshold speed of rotation and to output a signal when the first roller is not rotating above the threshold speed of rotation due to movement of the first roller out of engagement with the underlying belt, with the signal indicating a reduced diameter of the bale in the vicinity of the first roller.

The subject matter of amended claim 1 is not shown or suggested by Anderson et al. In Anderson et al, the rollers 172 are at all times maintained in contact with the outer surfaces of the belts 48. Such engagement of rollers 172 with belts 48 controls the position of a bar 136, which includes switch activating members 198, 210 at its ends. Switches 192, 194 interact with switch activating members 198, 210, respectively, to provide a signal when one side of the bale has a diameter less than that of the other, by moving one end of bar 136 upwardly or downwardly according to the diameter of the bale due to engagement of the rollers 172 with the baler belts 48.

Anderson et al contains no showing or suggestion of an arrangement by which one of the rollers is moved out of engagement with the baler belt, as set forth in claim 1, nor a sensor arrangement which outputs a signal when the roller does not rotate above the threshold speed of rotation, also as claimed. Rather, proper operation

of the system of Anderson et al requires that the rollers remain in engagement with the baler belts at all times, which is expressly contrary to the present invention as claimed. Further, the speed of rotation of the rollers 172 of Anderson et al has nothing to do with detecting whether an area of the bale has a reduced diameter. Rather, the sole purpose of the rollers 172 of Anderson et al is to control the position of bar 136, which in turn interacts with switches 192, 194 to provide an indication as to a differential in bale diameter from side to side.


For the above reasons, claim 1 is believed to patentably define over the disclosure of Anderson et al. A review of the remaining references of record similarly fails to show or suggest the claimed subject matter, and accordingly claim 1 is believed allowable.

Claims 2-5 depend directly or indirectly from claim 1, and are believed allowable for the above reasons as well as in view of the subject matter of each claim.

Applicant's attorney has made every effort to place the application into condition for allowance with claims 1-6, 8-13 and 15-19, and such action is earnestly requested.

The Examiner is encouraged to contact the undersigned by phone if questions remain after consideration of this response, or if such would otherwise facilitate prosecution.

Respectfully submitted,

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